

CARLO F. VAN DEN BOSCH, Cal. Bar No. 185207  
cvandenbosch@sheppardmullin.com  
MICHELLE LAVOIE WISNIEWSKI, Cal. Bar No. 234032  
mwisniewski@sheppardmullin.com  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
650 Town Center Drive, 4<sup>th</sup> Floor  
Costa Mesa, California 92626  
Telephone: 714-513-5100  
Facsimile: 714-513-5100

JAMES M. CHADWICK, Cal. Bar No. 157114  
jchadwick@sheppardmullin.com  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
990 Marsh Road  
Menlo Park, CA 94025  
Telephone: 650-815-2600  
Facsimile: 650-815-2601

Attorneys for Plaintiff  
BECKMAN COULTER, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BECKMAN COULTER, INC., a Delaware  
corporation,

Plaintiff,

v.

BECKCOULT.COM, a Domain Name, and  
DOES 1 through 20, inclusive,

Defendant.

Case No. 5:10-cv-03110-JF  
*Hon. Jeremy Fogel*

**[PROPOSED] PRELIMINARY  
INJUNCTION**

[Complaint Filed July 15, 2010]

WHEREAS, on July 15, 2010, plaintiff Beckman Coulter, Inc. ("Plaintiff") moved for a temporary restraining order preventing Defendants from operating or managing the Beckcoulter.com domain name;

WHEREAS, on July 26, 2010, this Court granted Plaintiff's motion for a temporary restraining order and permitted service of the Summons, Complaint, and Temporary Restraining Order on Defendants by email;

WHEREAS, on July 28, 2010, Plaintiff served Defendants with a copy of the Summons, Complaint, Case Management & Scheduling Orders, and Temporary Restraining Order to the

1 email address *joanneicale@yahoo.com* in compliance with the Court's July 26, 2010 Order, and  
2 received no notice that the message was undeliverable, nor any other indication that the  
3 message was not delivered or received;

4 WHEREAS, Plaintiff's motion for preliminary injunction came on for hearing before this  
5 Court on August 6, 2010 at 9:00 a.m.;

6 WHEREAS, neither Plaintiff nor the Court has received any communication from  
7 Defendants in response to the Summons, Complaint and Temporary Restraining Order served on  
8 Defendants on July 28, 2010; and


9 WHEREAS, for good cause shown, the Court adopts the findings and legal conclusions of  
10 its July 26, 2010 Order granting Plaintiff's Ex Parte Application for a Temporary Restraining  
11 Order and incorporates those findings by reference into this Order.

12 NOW THEREFORE, THE COURT HEREBY issues a preliminary injunction enjoining  
13 and restraining Defendants from operating or maintaining any website using the Beckcoult.com  
14 domain name or any other domain name owned or used by Plaintiff pending final resolution of  
15 this case. To facilitate this result, the domain name registry, Verisign, Inc., shall disable the  
16 Beckcoult.com domain name by maintaining it offline and shall not allow transfer of the domain  
17 name pending final resolution of this matter.

18 The preliminary injunction shall be in effect until the case is resolved by judgment or  
19 otherwise.

20 **IT IS SO ORDERED**

21  
22 Dated: August 10, 2010

  
\_\_\_\_\_  
JEREMY FOGEL  
United States District Court Judge